THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.27933 of 2005

Date:29.12.2005

B.Bhaskar Rao.

----------Petitioner

A.P.Forest Development Corporation Limited.

----------Respondent

ORDER:

The petitioner was employed as a Temporary Watcher in the A.P.Forest Development Corporation Limited, respondent herein, in the year 1983. Placing reliance upon the Scheme framed by the respondent, he sought for regularization of his appointment. When his case was not considered, he filed W.P.No.33744 of 1998. The Writ Petition was disposed of on 05.11.1999 directing the respondent to consider the case of the petitioner in terms of G.O.Ms.No.212, Finance and Planning Department, dated 22.04.1999. Subsequently, the order was modified on 23.03.2005, directing that the petitioner's case be considered in terms of Memorandum of Settlement, dated 18.04.1994. On a consideration of the case of the petitioner, the respondent passed the rejection order, dated 09.09.2005. The same is challenged in this Writ Petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

In the matter of regularization of the contingent employees appointed as Temporary Maistries/Watchers in the respondent-Corporation, a Scheme was formulated in the Memorandum of Settlement, dated 18.04.1994. According to the guidelines stipulated therein, a candidate must have been appointed at the commencement of the Division, which in the instant case is 1978, and must

have completed 180 days of service in each calendar year for not less than five years. It was on the touchstone of these conditions, that the case of the petitioner was examined. It emerged that the petitioner was appointed in the year 1983 and did not work for five consecutive years with 180 days of service in each year. The respondent has furnished the relevant particulars for each and every year, during which the petitioner worked. The petitioner is not able to place any material to doubt the accuracy of the statement furnished by the respondent. In that view of the matter, this Court does not find any basis to interfere with the impugned order.

The learned counsel for the petitioner submits that several vacancies are existing in the respondent-Corporation, and the case of the petitioner may be considered. Having regard to the fact that the petitioner was associated with the respondent-Corporation for such a long time, his case certainly be considered, as and when steps are taken to appoint candidates against the existing vacancies, if necessary, by relaxing the age, by the number of years, he has been in service with the respondent-Corporation.

Accordingly, the Writ Petition is disposed of, directing the respondent-Corporation to consider the case of the petitioner, as and when recruitment is made against the existing vacancies of Temporary Maistries/Watchers in the corresponding Division, by relaxing the age up to the number of years, during which he worked with the respondent-Corporation, subject to his possessing other qualifications. There shall be no order as to costs.

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29.12.2005

Jsu